

EXHIBIT 66

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 TUESDAY, JULY 31, 2018

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Nathan J.
18 Hartle, held at the offices of Covington &
19 Burlington, LLP, One City Center, 850 Tenth
20 Street Northwest, Washington, DC, commencing
21 at 9:04 a.m., on the above date, before
22 Carrie A. Campbell, Registered Diplomate
23 Reporter, Certified Realtime Reporter,
24 Illinois, California & Texas Certified
25 Shorthand Reporter, Missouri & Kansas
Certified Court Reporter.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

<p style="text-align: right;">Page 218</p> <p>1 MS. HENN: Objection to form.</p> <p>2 THE WITNESS: All I can tell</p> <p>3 you is I -- what I've heard is that</p> <p>4 it's the term that came from DEA.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. On page 2, it identifies</p> <p>7 several different topics: public health</p> <p>8 issue, DEA focus, McKesson involvement,</p> <p>9 current status, and Lifestyle Drug Monitoring</p> <p>10 Program. So these will be our jeopardy</p> <p>11 questions today.</p> <p>12 Public health issues. Can you</p> <p>13 read what the very -- on page 3, can you read</p> <p>14 what the first item is?</p> <p>15 A. "Abuse of prescription drugs</p> <p>16 has risen 66 percent since 2000."</p> <p>17 Q. So this is McKesson telling</p> <p>18 McKesson employees that we're in the business</p> <p>19 of selling opium pills, and abuse has risen</p> <p>20 66 percent since 2000.</p> <p>21 Does that not give you,</p> <p>22 Mr. McKesson Corporation, pause to think</p> <p>23 about whether or not your role in the chain</p> <p>24 of distribution is contributing to the abuse?</p> <p>25 MS. HENN: Objection to form.</p>	<p style="text-align: right;">Page 220</p> <p>1 trying to make a snarky remark.</p> <p>2 MS. HENN: Thank you.</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4 Q. Not everyone is engaged in the</p> <p>5 chain of distribution of opium pills, though?</p> <p>6 MS. HENN: Objection to form.</p> <p>7 THE WITNESS: Agree.</p> <p>8 QUESTIONS BY MR. FARRELL:</p> <p>9 Q. So I'm asking you, McKesson</p> <p>10 Corporation, whether or not you have any</p> <p>11 regrets about selling so many opium pills.</p> <p>12 MS. HENN: Objection to form.</p> <p>13 Outside the scope.</p> <p>14 THE WITNESS: Back to your</p> <p>15 question about this, I would -- sure</p> <p>16 that gives you pause, I mean, to</p> <p>17 understand that there's an epidemic</p> <p>18 out there. And clearly there's many</p> <p>19 players involved in the flow of</p> <p>20 distribution.</p> <p>21 QUESTIONS BY MR. FARRELL:</p> <p>22 Q. As of 2007, McKesson is</p> <p>23 recognizing that opioid painkillers kill more</p> <p>24 than cocaine and heroin combined, agreed?</p> <p>25 MS. HENN: Objection to form.</p>
<p style="text-align: right;">Page 219</p> <p>1 THE WITNESS: Can you ask that</p> <p>2 again, please?</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4 Q. This is McKesson telling</p> <p>5 McKesson employees that abuse of prescription</p> <p>6 drugs has risen 66 percent since the year</p> <p>7 2000.</p> <p>8 Does that not give you,</p> <p>9 Mr. McKesson Corporation, pause to think</p> <p>10 about whether or not your role in the chain</p> <p>11 of distribution is contributing to such</p> <p>12 abuse?</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: I think it's --</p> <p>15 it should give everybody pause that</p> <p>16 that was the trend that was going on,</p> <p>17 and it's a piece of information shared</p> <p>18 with leaders to inform them. So --</p> <p>19 QUESTIONS BY MR. FARRELL:</p> <p>20 Q. But not everybody is selling</p> <p>21 opium pills; McKesson is.</p> <p>22 MS. HENN: Counsel, can we just</p> <p>23 make sure we let the witness finish</p> <p>24 his answers?</p> <p>25 MR. FARRELL: Sure. I was</p>	<p style="text-align: right;">Page 221</p> <p>1 THE WITNESS: Agree.</p> <p>2 QUESTIONS BY MR. FARRELL:</p> <p>3 Q. And these are McKesson's words.</p> <p>4 Where is McKesson getting this</p> <p>5 data from?</p> <p>6 MS. HENN: Objection to form.</p> <p>7 Outside the scope.</p> <p>8 THE WITNESS: I don't know</p> <p>9 specifically where they -- their</p> <p>10 source of data for that particular</p> <p>11 line, but information from different</p> <p>12 sources. Could be DEA, could be CDC,</p> <p>13 it could be wherever.</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15 Q. It says here, "Rogue Internet</p> <p>16 pharmacies distributing oxycodone,</p> <p>17 hydrocodone, phentermine and alprazolam," yet</p> <p>18 McKesson was selling to rogue Internet</p> <p>19 pharmacies, true?</p> <p>20 MS. HENN: Objection to form.</p> <p>21 Outside the scope.</p> <p>22 THE WITNESS: Can you ask that</p> <p>23 again, please?</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. McKesson is noting that rogue</p>

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1 Internet pharmacies are selling oxycodone and
2 hydrocodone, yet what's missing from this
3 slide is the fact that McKesson was supplying
4 the pills to the rogue Internet pharmacies.

5 MS. HENN: Objection to form.

6 THE WITNESS: And what's your
7 specific question again?

8 QUESTIONS BY MR. FARRELL:

9 Q. What gives?

10 MS. HENN: Objection to form.

11 THE WITNESS: I don't know what
12 type of response a "what gives"
13 question is.

14 QUESTIONS BY MR. FARRELL:

15 Q. Yeah. You're noting that
16 people are dying, and part of the reason is
17 that rogue Internet pharmacies are out there.
18 Yet McKesson, during this time frame, is
19 selling to some of those very same Internet
20 pharmacies, and that's what the DEA fined you
21 for.

22 So is this ignorance of who
23 you're selling to? Is this repackaging,
24 reframing the issue? Or is it just flat out
25 a misrepresentation?

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1 MS. HENN: Objection to form.
2 Outside the scope.

3 THE WITNESS: This is raising
4 awareness in -- about the issues that
5 are the public health issues,
6 communicating with leaders and sharing
7 the -- where McKesson is enhancing the
8 program.

9 QUESTIONS BY MR. FARRELL:

10 Q. But you understand that the
11 rogue Internet pharmacies were getting their
12 pills from, among other people, McKesson,
13 agreed?

14 A. I understand.

15 MS. HENN: Objection to form.

16 QUESTIONS BY MR. FARRELL:

17 Q. Agreed?

18 A. I understand. Agreed.

19 Q. I'm asking if you understand.

20 I want you to confirm that the rogue Internet
21 pharmacies were in fact getting some of their
22 pills from McKesson.

23 MS. HENN: Objection to form.

24 THE WITNESS: I don't have
25 specific details on that, but --

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1 QUESTIONS BY MR. FARRELL:

2 Q. You understand that to be true?

3 A. -- I understand that to be
4 true.

5 Q. So McKesson Corporation admits
6 it was selling oxycodone and hydrocodone to
7 rogue Internet pharmacies in and around 2007?

8 MS. HENN: Objection to form.
9 Outside the scope.

10 THE WITNESS: Again, I don't
11 know the specific examples and --

12 QUESTIONS BY MR. FARRELL:

13 Q. I'm not asking for specific
14 examples.

15 A. Right.

16 Q. I'm asking you to confirm that
17 in 2007, McKesson Corporation was selling
18 oxycodone and hydrocodone to rogue Internet
19 pharmacies.

20 MS. HENN: Objection to form.

21 And, Counsel, I'll just ask you
22 to let him finish his answers so that
23 he can get his answers out.

24 MR. FARRELL: Yes, ma'am.

25 THE WITNESS: Again, I don't

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1 have the specific examples. I believe
2 that to be true, but I don't know the
3 specific details.

4 QUESTIONS BY MR. FARRELL:

5 Q. The next page, page 4,
6 "Internet pharmacies." It says,
7 "Investigative work hours have doubled."

8 Do you know what it doubled
9 from or to?

10 A. I do not.

11 Q. "Cutting supply critical to
12 success."

13 What does that mean?

14 A. I don't know. I don't know
15 what the speaking points or -- it's one
16 bullet. I'm not sure how it was represented
17 or communicated.

18 Q. Do you know what price
19 diversion is?

20 A. Not specifically.

21 Q. Was McKesson at this time
22 considering that some of the Internet
23 pharmacies were competing with McKesson for
24 business?

25 MS. HENN: Objection to form.

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1 THE WITNESS: I do not know.
 2 Pricing is not my area.
 3 QUESTIONS BY MR. FARRELL:
 4 Q. Okay. It says, "Wholesalers.
 5 DEA expects that you know your customers."
 6 What does that mean? It's in
 7 quotations.
 8 A. Right.
 9 MS. HENN: Objection to form.
 10 MR. FARRELL: Well, it is in
 11 quotations, isn't it?
 12 MS. HENN: I was objecting to
 13 asking what DEA means when they said
 14 "know your customers." That was what
 15 was my objection.
 16 QUESTIONS BY MR. FARRELL:
 17 Q. So McKesson is writing a slide
 18 following a meeting with the DEA, reporting
 19 to the DEA employees what the DEA's focus
 20 was, and what McKesson is reporting is that
 21 the DEA expects you to know your customers.
 22 Is that fair?
 23 A. That's fair.
 24 Q. And when we do, quote, "know
 25 our customers," end quote, that's a tag line

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1 for distributors with regard to knowing the
 2 customers you're selling opium pills to?
 3 MS. HENN: Objection to form.
 4 THE WITNESS: That is a DEA tag
 5 line.
 6 QUESTIONS BY MR. FARRELL:
 7 Q. And then the next sentence, can
 8 you read it out loud, please?
 9 A. The next bullet?
 10 Q. Yes.
 11 A. "Wholesalers accountable for
 12 controlling quantities shipped."
 13 Q. Is that true or not true?
 14 MS. HENN: Objection to form.
 15 THE WITNESS: Can you add a
 16 little more context to your question?
 17 I know it's a true/false question,
 18 but --
 19 QUESTIONS BY MR. FARRELL:
 20 Q. Yes.
 21 The DEA expects the wholesalers
 22 to be accountable for controlling quantities
 23 that they ship.
 24 Is that fair or unfair?
 25 MS. HENN: Objection to form.

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1 Go ahead.
 2 THE WITNESS: That's what
 3 the -- that's what the DEA expects, I
 4 guess, yeah.
 5 QUESTIONS BY MR. FARRELL:
 6 Q. Does McKesson acknowledge that
 7 it is accountable for controlling the
 8 quantities of opium pills shipped to American
 9 pharmacies?
 10 A. We're accountable as a
 11 distributor.
 12 Q. The next thing says, "5,000
 13 dose units is average."
 14 The average American pharmacy
 15 in 2007, as reported by the DEA to McKesson,
 16 was that 5,000 doses of oxycodone or 5,000
 17 doses of hydrocodone was average.
 18 A. That's what the DEA -- DEA
 19 calculations.
 20 Q. And McKesson at least validated
 21 that number by repeating it on a slide to the
 22 national operations conference in 2007.
 23 MS. HENN: Objection to form.
 24 QUESTIONS BY MR. FARRELL:
 25 Q. Agreed?

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1 A. I wouldn't say that they
 2 validated. We just repeated what was shared.
 3 Q. Did McKesson undertake any
 4 investigation to determine what the average
 5 was itself?
 6 A. I believe they did. I can't
 7 speak to the examples, but we've used
 8 analysts and reviewed data when developing
 9 thresholds and...
 10 Q. Does McKesson acknowledge that
 11 in 2007 5,000 dose units was average in the
 12 United States of America?
 13 MS. HENN: Objection to form.
 14 Outside the scope.
 15 THE WITNESS: We acknowledge
 16 that's what the DEA shared. I mean,
 17 there's many ways to get averages.
 18 QUESTIONS BY MR. FARRELL:
 19 Q. Sitting here today, does
 20 McKesson Corporation have any reason to
 21 disagree or dispute the DEA's estimation of
 22 what the average dose unit was?
 23 MS. HENN: Objection to form.
 24 Outside the scope.
 25 THE WITNESS: What I would

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1 share is I believe that average is a
 2 very rudimentary average, all
 3 pharmacies divided by pills, and so it
 4 doesn't account for different pharmacy
 5 size. So it's the number that is the
 6 result of that basic calculation.
 7 QUESTIONS BY MR. FARRELL:
 8 Q. And as we saw from your prior
 9 correspondence, McKesson was relying upon
 10 that average when it estimated its threshold
 11 of 8,000 units per month per pharmacy?
 12 MS. HENN: Objection to form.
 13 THE WITNESS: It was using that
 14 data point. I mean not relying on
 15 that number solely but using that as
 16 one data point.
 17 QUESTIONS BY MR. FARRELL:
 18 Q. So the answer is yes?
 19 MS. HENN: Objection to form.
 20 THE WITNESS: Not yes to that
 21 fact we relied on it. We used the
 22 data point.
 23 QUESTIONS BY MR. FARRELL:
 24 Q. So McKesson Corporation used
 25 the 5,000 dose unit as an average supplied

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1 the DEA as a data point when it set a
 2 threshold of 8,000 units per pharmacy per
 3 month?
 4 A. I would say that's fair.
 5 Q. The next page, page 5,
 6 "McKesson Involvement, September 5th DEA
 7 meeting in Washington, DC, outlined Internet
 8 issue."
 9 Have you reviewed any documents
 10 pertaining to that meeting or the Internet
 11 issue that's being referenced?
 12 A. I don't believe so.
 13 Q. Neither have I, because it
 14 hasn't been produced, because I'm sure
 15 counsel is going to argue it falls outside of
 16 Discovery Decision Number 3.
 17 The next one, "November 5, DEA
 18 notified McKesson, six pharmacies in Florida,
 19 excessive hydrocodone."
 20 Have you seen that
 21 correspondence?
 22 A. I can't recall if I've seen
 23 that specific one.
 24 Q. You thinking about the one we
 25 just read? That was April of 2007. This one

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1 is talking about a November 5th
 2 correspondence.
 3 A. I don't recall.
 4 Q. The next one, "January 6, 2007,
 5 meeting with DEA in Washington, DC."
 6 And would you read what the
 7 bullet point says?
 8 A. "Clear message from DEA."
 9 Q. So at this point in time,
 10 McKesson is acknowledging to its entire
 11 national operations conference that the
 12 message they're receiving from the DEA was
 13 clear?
 14 MS. HENN: Objection to form.
 15 Outside the scope.
 16 THE WITNESS: Like parts of the
 17 message, sure.
 18 QUESTIONS BY MR. FARRELL:
 19 Q. So which parts were unclear?
 20 A. I don't know all of the message
 21 that were communicated from DEA and how they
 22 were communicated.
 23 Q. We can start with the
 24 November 2006 letter from Joe Rannazzisi.
 25 Certainly if there was some unclear message

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1 that was being sent, it would be at least
 2 like a footnote here, right? Instead it
 3 says, "Clear message from DEA."
 4 MS. HENN: Objection to form.
 5 Outside the scope.
 6 THE WITNESS: I don't know that
 7 I -- I don't know what was
 8 specifically discussed in that
 9 specific meeting, so I don't know the
 10 types of messages that were shared in
 11 that meeting.
 12 QUESTIONS BY MR. FARRELL:
 13 Q. As of April of 2007, which we
 14 believe to be the date of this conference,
 15 have you seen any documentation anywhere in
 16 the records of McKesson Corporation that
 17 indicate that any message from the DEA to
 18 date had been unclear?
 19 MS. HENN: Objection to form.
 20 Outside the scope.
 21 THE WITNESS: Have I seen
 22 formal documentation where somebody
 23 said DEA was unclear?
 24 QUESTIONS BY MR. FARRELL:
 25 Q. That was my question, yes.

<p style="text-align: right;">Page 234</p> <p>1 A. I have not seen any of that</p> <p>2 documentation.</p> <p>3 Q. "October '06, order to show</p> <p>4 cause. Response, settle."</p> <p>5 That's the message McKesson is</p> <p>6 telling its national operations conference,</p> <p>7 is they get an order to show cause from the</p> <p>8 DEA, and your response is to enter into a</p> <p>9 memorandum of understanding?</p> <p>10 MS. HENN: Objection to form.</p> <p>11 THE WITNESS: I don't know what</p> <p>12 the context of the communication at --</p> <p>13 this is one bullet point at a meeting</p> <p>14 presented to a group. So there's</p> <p>15 certainly speaking points and an</p> <p>16 explanation. I -- so...</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. Fair enough.</p> <p>19 Next page, page 6, "Current</p> <p>20 Status, April '07, meeting with DEA</p> <p>21 attorneys. What we have done: Created new</p> <p>22 report in process."</p> <p>23 This gets back to my earlier</p> <p>24 questions of this new process is the</p> <p>25 Lifestyle Drug Monitoring Program?</p>	<p style="text-align: right;">Page 236</p> <p>1 this is what you're going to do to fulfill</p> <p>2 your obligations under federal law.</p> <p>3 MS. HENN: Objection to form.</p> <p>4 THE WITNESS: I'd say that's</p> <p>5 what we're doing to enhance our</p> <p>6 knowledge of our customers and meet</p> <p>7 our requirements and enhance our</p> <p>8 program.</p> <p>9 QUESTIONS BY MR. FARRELL:</p> <p>10 Q. You're making it sound like</p> <p>11 this was just a voluntary effort out of the</p> <p>12 thin air. This was in response to the DEA</p> <p>13 charging McKesson with misconduct.</p> <p>14 MS. HENN: Objection to form.</p> <p>15 THE WITNESS: I understand</p> <p>16 that.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. You agree?</p> <p>19 A. Agree.</p> <p>20 Q. Now, page 9, "Daily dosage</p> <p>21 summary report." This is an important point,</p> <p>22 "8,000 dose unit threshold." But above</p> <p>23 that -- next page, not 8, the next page.</p> <p>24 A. 9?</p> <p>25 Q. Yeah.</p>
<p style="text-align: right;">Page 235</p> <p>1 A. Correct.</p> <p>2 Q. It's a new process?</p> <p>3 A. It is.</p> <p>4 Q. Not a revision, not an</p> <p>5 amendment, not a modification, not a --</p> <p>6 what's the other word you used?</p> <p>7 A. I called it an addition to the</p> <p>8 existing program.</p> <p>9 Q. Okay.</p> <p>10 A. An enhancement.</p> <p>11 Q. Next page, page 7, "Establish</p> <p>12 threshold for excessive quantities, 8,000</p> <p>13 dose units. Thorough due diligence of</p> <p>14 customers exceeding threshold."</p> <p>15 You agree this is, in fact,</p> <p>16 what the law requires?</p> <p>17 MS. HENN: Objection to form.</p> <p>18 Outside the scope.</p> <p>19 THE WITNESS: Could you ask</p> <p>20 that again? This -- is it this</p> <p>21 specific bullet you're talking about?</p> <p>22 QUESTIONS BY MR. FARRELL:</p> <p>23 Q. Yeah, this is McKesson's</p> <p>24 Lifestyle Drug Monitoring Program, which is</p> <p>25 an action plan submitted to the DEA to show</p>	<p style="text-align: right;">Page 237</p> <p>1 "8,000 dose unit threshold,</p> <p>2 generic base code." What this means is is</p> <p>3 that McKesson, when its calculating the</p> <p>4 threshold, is doing it by generic base code,</p> <p>5 meaning you don't get 8,000 oxy 10s and 8,000</p> <p>6 oxy 20s and 8,000 oxy 40s; you get 8,000</p> <p>7 oxys.</p> <p>8 A. Correct. With that base</p> <p>9 ingredient.</p> <p>10 Q. Based on a four-digit base code</p> <p>11 that -- provided by the DEA?</p> <p>12 A. Yes.</p> <p>13 (McKesson-Hartle Exhibit 19</p> <p>14 marked for identification.)</p> <p>15 QUESTIONS BY MR. FARRELL:</p> <p>16 Q. We'll mark as 19, top</p> <p>17 right-hand corner is 2007_5_15, Bates-stamped</p> <p>18 MCKMDL00337303.</p> <p>19 Is this, in fact, the Lifestyle</p> <p>20 Drug Monitoring Program at McKesson?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recognize this document</p> <p>23 as a true and authentic version of the</p> <p>24 Lifestyle Drug Monitoring Program?</p> <p>25 A. I do.</p>

<p style="text-align: right;">Page 238</p> <p>1 Q. And is it a document kept in 2 the regular course of business and produced 3 by your lawyers in this litigation? 4 MS. HENN: Objection to form. 5 THE WITNESS: Yeah. 6 QUESTIONS BY MR. FARRELL: 7 Q. You'll note under "reports," 8 under "generic ingredient, base code and 9 dosage threshold," it's again affirming what 10 you've told the DEA you're going to do, and 11 that is you're going to set 8,000 doses as 12 the threshold per base code. 13 A. Correct. 14 Q. The bottom right-hand corner, 15 you'll see a date generated. 16 What does it say? 17 A. May 16, 2007. 18 (McKesson-Hartle Exhibit 20 19 marked for identification.) 20 QUESTIONS BY MR. FARRELL: 21 Q. Exhibit 20, top right-hand 22 corner, 2007_06_12, Bates-stamped 23 MCKMDL00355527. 24 I'll represent to you again, 25 this was produced by your counsel in this</p>	<p style="text-align: right;">Page 240</p> <p>1 It says, "Pharmaceutical 2 wholesalers, including McKesson, are being 3 held accountable for controlling the 4 qualities of these drugs -- quantities of 5 these drugs shipped to customers and will be 6 held responsible for reviewing trends as 7 indicated by the customer's order history." 8 This is 2007, in an 9 acknowledgement by McKesson that it will be 10 held accountable for excessive orders, 11 agreed? 12 MS. HENN: Objection to the 13 form. 14 THE WITNESS: Agreed. 15 QUESTIONS BY MR. FARRELL: 16 Q. And then the next paragraph you 17 go so far as to say, "Shipment and monitoring 18 of these drugs will be measured by dose units 19 rather than sale units, with 8,000 dose units 20 as the threshold for excessive quantities." 21 So again, this is a recognition 22 that above 8,000 units of oxycodone and 23 hydrocodone is presumptively excessive, which 24 will trigger your three-level due diligence? 25 A. Correct.</p>
<p style="text-align: right;">Page 239</p> <p>1 litigation. It is another communication 2 dated June 12, 2007, by McKesson's lawyer to 3 the DEA. And this is an update regarding the 4 progress of the implementation of the 5 Lifestyle Drug Monitoring Program. 6 In the second sentence it 7 states, "As I stated in our last 8 conversation, McKesson has implemented this 9 program nationally, in quote, across its 30 10 distribution centers throughout the country." 11 Again, does this imply to you 12 that you were not implementing a national 13 policy prior to this? 14 MS. HENN: Objection to form. 15 THE WITNESS: It implies we 16 weren't implementing this specific new 17 policy across the country. 18 QUESTIONS BY MR. FARRELL: 19 Q. Page 21 is a copy of a sample 20 letter you told the DEA you were sending 21 across the country. And in the second full 22 paragraph, starting with the word 23 "pharmaceutical," it says -- 24 A. I'm sorry, what page was that? 25 Q. Page 21.</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. The following page, page 22, is 2 an actual declaration, an affidavit that 3 you're asking people to sign about the 4 reasons they want to sell more than 8,000 5 pills. 6 A. Correct. 7 Q. And on page 25 is a pharmacy 8 questionnaire presumably sent to every 9 pharmacy in the country that was a customer 10 of McKesson, asking for certain data about 11 the controlled substances they're purchasing 12 from McKesson. 13 MS. HENN: Objection to form. 14 QUESTIONS BY MR. FARRELL: 15 Q. This is what you're telling the 16 DEA that you'll be doing from here on out 17 starting in 2007. 18 A. I don't know if this pharmacy 19 questionnaire was sent to every single 20 pharmacy. Chains are a little bit different. 21 Q. I think we'll get into that 22 tomorrow. 23 A. Okay. I'm sure we will. 24 Q. But in general, you're sending 25 it out to all the independent pharmacies at</p>

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1 participating in this amicus brief?
 2 A. I have not.
 3 Q. Are you aware of McKesson being
 4 involved at all in the amicus briefs?
 5 MS. HENN: Objection to form.
 6 THE WITNESS: I'm not.
 7 (McKesson-Hartle Exhibit 28
 8 marked for identification.)
 9 QUESTIONS BY MR. FARRELL:
 10 Q. I'm going to have marked
 11 Exhibit 28, 2012_05_05.
 12 Are you aware of the Wayback
 13 Machine?
 14 A. Excuse me?
 15 Q. Are you aware of the Wayback
 16 Machine?
 17 A. I am not.
 18 Q. The Wayback Machine is an
 19 Internet service that's free, and what it
 20 does is it's able to go and bring up old
 21 websites based on dates and time.
 22 And it just so happens that the
 23 Wayback Machine captured the HDMA website in
 24 May of 2012. This comes from the HDMA
 25 website, and this is a list of the board of

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1 directors.
 2 Now, what's an executive
 3 committee on a board of directors?
 4 MS. HENN: Objection to form.
 5 Outside the scope.
 6 THE WITNESS: That's the senior
 7 leaders driving this group.
 8 QUESTIONS BY MR. FARRELL:
 9 Q. And, Mr. McKesson Corporation,
 10 you were on the executive committee of HDMA
 11 of 2012, were you not?
 12 MS. HENN: Objection to form.
 13 Outside the scope.
 14 THE WITNESS: One of our senior
 15 leaders is.
 16 QUESTIONS BY MR. FARRELL:
 17 Q. You're in the senior leadership
 18 of HDMA, and you signed off on an amicus
 19 brief submitted to a federal court in
 20 Washington, DC, in support of one of your
 21 colleagues and members, Cardinal Health.
 22 MS. HENN: Objection to form.
 23 Outside the scope.
 24 QUESTIONS BY MR. FARRELL:
 25 Q. So I'm going to ask you a

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1 couple of questions about it.
 2 A. Okay.
 3 Q. If you flip to page 3...
 4 A. Of the brief?
 5 Q. Of the brief.
 6 The very bottom of the page --
 7 MS. HENN: Are you talking
 8 about the Bates numbers or the --
 9 MR. FARRELL: Yeah, the Bates
 10 number.
 11 MS. HENN: Thank you.
 12 QUESTIONS BY MR. FARRELL:
 13 Q. It says, "HDMA's members have
 14 not only statutory and regulatory
 15 responsibilities to detect and prevent
 16 diversion of controlled prescription drugs,
 17 but undertake such efforts as responsible
 18 members of society."
 19 Do you see that?
 20 A. I do.
 21 Q. Do you recognize this as an
 22 acknowledgement that all of the distributors
 23 in the country have a common law duty to the
 24 people of the United States of America to
 25 prevent diversion of controlled substances

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1 because you're selling controlled substances?
 2 MR. SUDDATH: Objection.
 3 MS. HENN: Objection to form.
 4 Outside the scope.
 5 THE WITNESS: Okay. Could you
 6 ask me that again?
 7 QUESTIONS BY MR. FARRELL:
 8 Q. Do you recognize this as an
 9 acknowledgement that all of the distributors
 10 in the country have a common law duty to the
 11 American citizens to prevent controlled
 12 substances from being diverted into the
 13 illicit market?
 14 MR. SUDDATH: Objection.
 15 MS. HENN: Objection to form.
 16 Outside the scope.
 17 QUESTIONS BY MR. FARRELL:
 18 Q. I mean, isn't this what we
 19 talked about earlier?
 20 A. I do.
 21 Q. You do, don't you? Yes?
 22 A. Yes.
 23 Q. Because it's not just
 24 statutory, regulatory. You're engaged in
 25 selling opium pills. You owe a duty to the

<p style="text-align: right;">Page 278</p> <p>1 American people to do your very best to 2 prevent diversion. 3 MS. HENN: Objection to form. 4 Outside the scope. 5 QUESTIONS BY MR. FARRELL: 6 Q. Agreed? 7 A. Agreed. 8 Q. And this is your trade 9 organization making the same representation 10 to a federal court in Washington, DC? 11 MS. HENN: Same objections. 12 Objection to form. Outside the scope. 13 THE WITNESS: Yes. 14 QUESTIONS BY MR. FARRELL: 15 Q. Next sentence: "The public 16 health dangers associated with the diversion 17 and abuse of controlled prescription drugs 18 have been well-recognized over the years by 19 Congress, DEA, HDMA and its members, and 20 public health authorities." 21 Is that all true? 22 MS. HENN: Objection to form. 23 Outside the scope. 24 THE WITNESS: Yes. 25</p>	<p style="text-align: right;">Page 280</p> <p>1 THE WITNESS: Oh, excuse me. 2 I also remember saying that 3 certain parts of those regulations 4 related to what a suspicious order is 5 is not clear. 6 QUESTIONS BY MR. FARRELL: 7 Q. Page 7. "The societal costs of 8 prescription drug abuse are" -- what's it 9 say? 10 A. I flipped to the wrong page. 11 Excuse me. 12 "Huge." 13 Q. And if a distributor engages in 14 unlawful conduct, should the distributor be 15 held accountable for such societal costs? 16 MS. HENN: Objection to form. 17 Outside the scope. 18 THE WITNESS: Can you repeat 19 that, please? 20 QUESTIONS BY MR. FARRELL: 21 Q. If a wholesale distributor 22 engages in unlawful conduct, should it be 23 held accountable for the societal costs of 24 prescription drug abuse? 25 MR. SUDDATH: Objection.</p>
<p style="text-align: right;">Page 279</p> <p>1 QUESTIONS BY MR. FARRELL: 2 Q. The next sentence. This is the 3 part that I'd like to talk to you about, the 4 highlighted part. "The agency," meaning DEA, 5 "has failed to provide meaningful guidance to 6 assist the regulated industry in complying 7 with the DEA's interpretation of its 8 implementing regulations. HDMA respectfully 9 submits that despite the agency's oft-recited 10 refrain that the regulations are clear, the 11 regulated industry does not know the rules of 12 the road because DEA has not adequately 13 explained them." 14 McKesson has said the opposite 15 publicly and to its own people, agreed? 16 MS. HENN: Object to form. 17 QUESTIONS BY MR. FARRELL: 18 Q. Remember the slide that said 19 clear? Remember your testimony about the 20 letters and the settlement agreement? You 21 said a few minutes ago it was clear. 22 A. I do remember all of that. I 23 also -- 24 MS. HENN: Object to form. 25 Go ahead.</p>	<p style="text-align: right;">Page 281</p> <p>1 MS. HENN: Same objections. 2 THE WITNESS: I believe 3 distributors have a responsibility in 4 preventing diversion. 5 QUESTIONS BY MR. FARRELL: 6 Q. So should they be held 7 accountable for the societal costs that are 8 documented in this pleading and referenced as 9 huge? 10 A. I think it depends. 11 MS. HENN: Objection to form. 12 QUESTIONS BY MR. FARRELL: 13 Q. Depends on what? 14 MS. HENN: Same objection. 15 Go ahead. 16 THE WITNESS: It depends on the 17 facts and circumstances and, you know, 18 the information about the specific 19 situation. 20 QUESTIONS BY MR. FARRELL: 21 Q. If a distributor repeatedly 22 fails to report suspicious orders, do you 23 believe it should be held accountable for the 24 societal costs of prescription drug abuse? 25 MR. SUDDATH: Objection.</p>

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1 MS. HENN: Objection to form.
2 THE WITNESS: And I believe it
3 depends.
4 QUESTIONS BY MR. FARRELL:
5 Q. On?
6 A. The facts and circumstances.
7 Q. How about the facts and
8 circumstances which led to McKesson paying
9 \$150 million fine?
10 MS. HENN: Objection to form.
11 THE WITNESS: Again, I think it
12 depends.
13 QUESTIONS BY MR. FARRELL:
14 Q. Do you think McKesson is partly
15 responsible for the societal costs of
16 prescription drug abuse in America?
17 MS. HENN: Objection to form.
18 THE WITNESS: Could you ask
19 that one again, please?
20 QUESTIONS BY MR. FARRELL:
21 Q. Do you think McKesson is partly
22 responsible for the societal costs of
23 prescription drug abuse in America?
24 MS. HENN: Objection to form.
25 THE WITNESS: Again, there's a

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1 lot of people involved in -- it's a
2 very complicated and multi-faceted
3 issue, so...
4 QUESTIONS BY MR. FARRELL:
5 Q. We'll get to the other people
6 in a second.
7 MS. HENN: Are you done with
8 your answer?
9 THE WITNESS: I am done.
10 MS. HENN: Okay.
11 QUESTIONS BY MR. FARRELL:
12 Q. We'll get to the others in a
13 second. I want to talk about McKesson first.
14 This is your opportunity to
15 accept partial responsibility for the
16 societal costs of prescription drug abuse in
17 America; yes or no?
18 MS. HENN: Objection to form.
19 Also outside the scope.
20 THE WITNESS: So again, it
21 depends on -- it depends.
22 QUESTIONS BY MR. FARRELL:
23 Q. You're McKesson Corporation.
24 A. Right.
25 Q. You're sitting here today. You

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1 have the opportunity to look in the camera
2 and tell the jury whether or not you accept
3 partial responsibility for the societal costs
4 of prescription drug abuse in America.
5 MS. HENN: Objection to form.
6 Outside the scope.
7 QUESTIONS BY MR. FARRELL:
8 Q. I'd ask you to answer yes or
9 no.
10 MS. HENN: Same objections.
11 THE WITNESS: I'm not sure how
12 to answer that -- that question
13 specifically.
14 QUESTIONS BY MR. FARRELL:
15 Q. Well, you can say yes or --
16 A. I understand that.
17 Q. -- you can say no.
18 A. I understand that.
19 MS. HENN: Objection to form.
20 QUESTIONS BY MR. FARRELL:
21 Q. If I asked you the same
22 question in your personal capacity, would
23 that help you answer the question better?
24 MS. HENN: Same objection.
25 Objection to form.

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1 THE WITNESS: Again, it
2 depends -- I would say it doesn't
3 change my answer. It depends on the
4 role that they played.
5 QUESTIONS BY MR. FARRELL:
6 Q. Well, back to McKesson
7 Corporation, which is you sitting in the
8 chair today. Knowing what you know as the
9 30(b)(6) representative, the corporate
10 designee, knowing about your past conduct,
11 knowing about the past interactions with the
12 DEA, I'm going to ask you again: Does
13 McKesson Corporation accept partial
14 responsibility for the societal costs of
15 prescription drug abuse in America?
16 MS. HENN: Objection to form.
17 THE WITNESS: Again, you know,
18 I -- we're part of the closed system,
19 so we're responsible for preventing
20 diversion.
21 QUESTIONS BY MR. FARRELL:
22 Q. So the answer is?
23 MS. HENN: Objection to form.
24 THE WITNESS: Again, I think
25 we're responsible for something. I

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1 don't know what -- how you define all
2 societal costs and -- I still believe
3 it depends on different circumstances.
4 QUESTIONS BY MR. FARRELL:
5 Q. Sir, we're not going to parse
6 out percentages.
7 A. Yeah.
8 Q. Let's just talk globally for
9 McKesson Corporation. So I don't want to put
10 words in your mouth because it's got to come
11 out of your mouth. So the answer is yes or
12 no.
13 MS. HENN: Objection to form.
14 THE WITNESS: I would say yes,
15 partially.
16 QUESTIONS BY MR. FARRELL:
17 Q. How about Purdue Pharma? Does
18 McKesson Corporation take the position that
19 Purdue Pharma is partially responsible for
20 the societal costs of prescription drug abuse
21 in America?
22 MS. HENN: Objection to form.
23 Outside the scope.
24 THE WITNESS: I'm not going to
25 answer for other companies. I'm --

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1 it's like I answered my question:
2 Those involved in this space,
3 depending on the facts and
4 circumstances, may be. So, yes.
5 QUESTIONS BY MR. FARRELL:
6 Q. Flip to page 8, the last
7 paragraph. Your trade organization is saying
8 that the "DEA's goal, the prevention of
9 diversion of controlled prescription drugs,
10 is, of course, a public good."
11 Does McKesson validate,
12 acknowledge and affirm that statement?
13 MS. HENN: Objection to form.
14 THE WITNESS: Absolutely. The
15 prevention of the diversion of
16 controlled substances is good for the
17 public.
18 (McKesson-Hartle Exhibit 29
19 marked for identification.)
20 QUESTIONS BY MR. FARRELL:
21 Q. Next exhibit I'm going to have
22 marked is Exhibit 29. It's Exhibit
23 2013_09_13. It's Bates stamp
24 MCK-AGMS-006000880.
25 Have you seen this document?

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1 A. I have not.
2 Q. Do you know who Gary Boggs is?
3 A. I do know Gary.
4 Q. I'll represent to you that on
5 the metadata that was provided by the --
6 McKesson, indicates that this presentation is
7 dated in late 2012 -- wait, late 2013, I
8 think, probably before Gary Boggs came on to
9 McKesson. We'll ask him when we depose him.
10 But anyway, this is a McKesson
11 spreadsheet from Gary Boggs. Gary Boggs is
12 former DEA.
13 A. PowerPoint, not spreadsheet.
14 Q. Yeah, I'm sorry.
15 A. Okay.
16 Q. He's former DEA, correct?
17 A. Correct.
18 Q. He was the number 2 man on Joe
19 Rannazzisi, yes?
20 A. Yes.
21 Q. And as we'll see later, he was
22 actually in the room for one of the
23 presentations when DEA was negotiating with
24 McKesson on the 2008 settlement.
25 Is that your memory as a

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1 corporate entity?
2 MS. HENN: Objection to form.
3 THE WITNESS: I wasn't aware
4 that he was specifically in the room,
5 but...
6 QUESTIONS BY MR. FARRELL:
7 Q. The title of this PowerPoint
8 slide is what?
9 A. Oh, "State of prescription drug
10 abuse."
11 Q. And on the second page, talks
12 about the impact of effective compliance.
13 And it uses lots of America-related stuff,
14 eagles and flags and such.
15 Do you see that?
16 A. I do see that.
17 Q. "Protecting America from
18 Prescription Drug Diversion."
19 The next page is a history of
20 understanding the problem, and on page 4 it
21 talks about a collision course.
22 And presumably this is two
23 planes colliding in the air, and that's
24 OxyContin and Percocet.
25 Do you see that?

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1 MS. HENN: Objection to form.
2 THE WITNESS: I see that.
3 QUESTIONS BY MR. FARRELL:
4 Q. "In the late 1990s, doctors
5 aggressively prescribing painkillers - a
6 radical change in health care behavior."
7 And that radical change in
8 health care behavior did what to the number
9 of prescriptions?
10 MS. HENN: Objection to form.
11 THE WITNESS: Increased them.
12 QUESTIONS BY MR. FARRELL:
13 Q. Which resulted in an increase
14 or decrease in the number of pills McKesson
15 sold?
16 A. I don't know exact numbers, but
17 it increased.
18 Q. And then the last part,
19 "Manufacturers fueled the use of prescription
20 painkillers."
21 This is coming from your new
22 head of regulatory affairs at McKesson,
23 agreed?
24 MS. HENN: Objection to form.
25 THE WITNESS: Can you say that

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1 again?
2 QUESTIONS BY MR. FARRELL:
3 Q. Yeah.
4 A. He's not -- he wasn't the head
5 of regulatory affairs.
6 Q. Then, but he is now?
7 A. He's one of the leaders on the
8 regulatory affairs team.
9 Q. Okay. And this is his
10 statement that "Manufacturers fueled the use
11 of prescription painkillers."
12 Is that McKesson's position?
13 MS. HENN: Objection to form.
14 THE WITNESS: I don't know if
15 that's his own specific words or he
16 got that from a previous deck from
17 DEA. I'm not sure.
18 QUESTIONS BY MR. FARRELL:
19 Q. We'll have to ask him.
20 But I'm asking McKesson whether
21 or not it shares this view.
22 MS. HENN: Objection to form.
23 Outside the scope.
24 THE WITNESS: Manufacturers are
25 part of the closed system, like -- and

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1 played a role.
2 QUESTIONS BY MR. FARRELL:
3 Q. Does McKesson believe the
4 manufacturers fueled the use of prescription
5 painkillers?
6 MS. HENN: Objection to form.
7 Outside the scope.
8 THE WITNESS: I think they
9 played a role. I think there's many
10 reasons -- many things that fueled the
11 epidemic.
12 QUESTIONS BY MR. FARRELL:
13 Q. So would you rather just punt
14 on the question?
15 MS. HENN: Objection to form.
16 THE WITNESS: That's what I'm
17 going to share. That's my answer.
18 QUESTIONS BY MR. FARRELL:
19 Q. So yes or no, does McKesson
20 Corporation believe manufacturers fueled the
21 use of prescription painkillers?
22 MS. HENN: Objection to form.
23 Outside the scope.
24 THE WITNESS: Like I said,
25 my -- they're part of the system.

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1 They played a role.
2 QUESTIONS BY MR. FARRELL:
3 Q. So the answer is?
4 A. They played a role. I wouldn't
5 say -- I wouldn't characterize it as fueled.
6 I don't know that I would use that language.
7 Q. Fair enough.
8 The next page, 5 and 6,
9 document Purdue Pharma's \$635 million fine,
10 Cephalon's \$425 million fine.
11 Going to page 7, it's comparing
12 the US rates of opioid overdose deaths, sales
13 and treatment admissions.
14 Do you see that?
15 A. I see that.
16 Q. What is the correlation between
17 opioid sales and opioid deaths? Are they
18 related or unrelated?
19 MS. HENN: Objection to form.
20 THE WITNESS: They're both
21 increasing at a similar rate.
22 QUESTIONS BY MR. FARRELL:
23 Q. So that means they're related
24 or unrelated?
25 MS. HENN: Objection to form.

<p style="text-align: right;">Page 294</p> <p>1 THE WITNESS: They appear to be 2 related. 3 QUESTIONS BY MR. FARRELL: 4 Q. Does McKesson believe that 5 opioid sales are related to opioid deaths? 6 MS. HENN: Objection to form. 7 Outside the scope. 8 THE WITNESS: Can you ask that 9 one more time, please? 10 QUESTIONS BY MR. FARRELL: 11 Q. Does McKesson believe that 12 opioid sales are related to opioid deaths? 13 MS. HENN: Objection to form. 14 Outside the scope. 15 THE WITNESS: The volume of 16 opioids in the market and diversion is 17 related to opioid deaths, certainly. 18 QUESTIONS BY MR. FARRELL: 19 Q. Page 8, the Controlled 20 Substances Act, the very last provision says, 21 "Creates checks and balances between 22 registrants to protect the public health and 23 safety." 24 Again, this is again a 25 reaffirmation from Gary Boggs, who is now one</p>	<p style="text-align: right;">Page 296</p> <p>1 MS. HENN: Objection to form. 2 MR. FARRELL: You're right. 3 That's not necessarily a picture of 4 McKesson. 5 QUESTIONS BY MR. FARRELL: 6 Q. You would agree with me that if 7 a McKesson sales agent came upon a pain 8 clinic and saw this, that would be a red 9 flag? 10 MS. HENN: Objection to form. 11 THE WITNESS: It would. 12 QUESTIONS BY MR. FARRELL: 13 Q. Page 17, historical comparison. 14 He's comparing the opioid crisis to the BP 15 oil spill where 11 people were killed and BP 16 paid 40 billion, plus 16 billion to the Clean 17 Water Act. 18 Have more or less than 11 19 people been killed by the opioid crisis? 20 A. Clearly more. 21 Q. Have more people died today 22 than 11 people? 23 MS. HENN: Objection to form. 24 THE WITNESS: Based on the 25 statistics, yes.</p>
<p style="text-align: right;">Page 295</p> <p>1 of your senior regulatory affairs management, 2 acknowledging that the registrants and the 3 DEA have a duty to protect the public health 4 and safety, agreed? 5 A. Agreed. 6 Q. Page 13. It says, "What can 7 happen when these checks and balances 8 collapse?" 9 What do you believe this is a 10 picture of? 11 MS. HENN: Objection to form. 12 THE WITNESS: It's a building 13 falling down. 14 QUESTIONS BY MR. FARRELL: 15 Q. A disaster? 16 A. It's a building that's falling 17 down. Why it fell down could be a disaster. 18 Q. What do you infer from 19 Mr. Boggs' implication? 20 A. That things can go wrong, 21 something can happen. 22 Q. Page 16, pictures of pain 23 clinics and people waiting in line to 24 purchase pills sold by McKesson to 25 pharmacies.</p>	<p style="text-align: right;">Page 297</p> <p>1 QUESTIONS BY MR. FARRELL: 2 Q. Page 24. Does McKesson 3 acknowledge and agree there is a national 4 epidemic of prescription pill addiction, 5 abuse, morbidity and mortality? 6 MS. HENN: Objection to form. 7 THE WITNESS: Absolutely. 8 QUESTIONS BY MR. FARRELL: 9 Q. Does McKesson acknowledge the 10 economic impact of this national epidemic in 11 America is greater than \$57 billion per year? 12 MS. HENN: Objection to form. 13 Outside the scope. 14 THE WITNESS: I don't know 15 where that -- the -- how the 57 16 billion was derived, but there's 17 clearly an -- or an economic impact to 18 the country. 19 QUESTIONS BY MR. FARRELL: 20 Q. Page 37, "distributors have 21 great power." The last provision. 22 You, McKesson Corporation, 23 control the supply to downstream customers. 24 Does McKesson acknowledge that duty? 25 MS. HENN: Objection to form.</p>

<p style="text-align: right;">Page 318</p> <p>1 So we have about an hour left;</p> <p>2 we've been going about -- almost six</p> <p>3 hours. So by agreement we've kept the</p> <p>4 deposition days to seven hours long,</p> <p>5 and I'll honor that.</p> <p>6 MS. HENN: More than by</p> <p>7 agreement. It's also ordered by the</p> <p>8 judge.</p> <p>9 MR. FARRELL: No question.</p> <p>10 MS. HENN: Just a slight</p> <p>11 clarification.</p> <p>12 MR. FARRELL: No question.</p> <p>13 Seven hours of answering questions is</p> <p>14 enough for anybody.</p> <p>15 MS. HENN: It is.</p> <p>16 MR. FARRELL: That being said,</p> <p>17 I know there's a burden on travel and</p> <p>18 arrangements; we have a tight</p> <p>19 schedule. So what I'm going to do is</p> <p>20 I'm going to finish up some topics,</p> <p>21 and I'm going to state for the record</p> <p>22 that I have not been able to get</p> <p>23 through all of the designated topics</p> <p>24 today.</p> <p>25 That being said, there are some</p>	<p style="text-align: right;">Page 320</p> <p>1 Obviously, it's going to be</p> <p>2 subject to the objection of your</p> <p>3 lawyers, and I just wanted to place</p> <p>4 that on the record.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Jumping in real quick, I'm not</p> <p>7 going to spend a whole lot of time on this; I</p> <p>8 have a very specific question.</p> <p>9 Before we get into the</p> <p>10 document, there's a reference in here about</p> <p>11 heroin, and I just wanted to see if I could</p> <p>12 cut to the chase with you.</p> <p>13 A. Okay.</p> <p>14 Q. As the McKesson corporate</p> <p>15 representative, do you acknowledge that abuse</p> <p>16 of prescription opium pills is a gateway to</p> <p>17 the initiation of heroin?</p> <p>18 MS. HENN: Objection to form.</p> <p>19 Outside the scope.</p> <p>20 THE WITNESS: Based on</p> <p>21 everything that I've read and in the</p> <p>22 media and statistics and discussion, I</p> <p>23 would agree -- agree to that.</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. If you abuse prescription</p>
<p style="text-align: right;">Page 319</p> <p>1 additional topics that you were not</p> <p>2 designated for. There's essentially</p> <p>3 two notices.</p> <p>4 So what we're -- what I'm going</p> <p>5 to do is recommend that I finish up</p> <p>6 the topics that I want to get to, and</p> <p>7 then tomorrow is your fact deposition.</p> <p>8 And what we'll do is work out with</p> <p>9 counsel if there are any of these</p> <p>10 questions that can be answered in</p> <p>11 writing to avoid you having to come</p> <p>12 back and testify on things that can be</p> <p>13 answered.</p> <p>14 And then in addition, there are</p> <p>15 records and there are -- there is</p> <p>16 transactional data historically and</p> <p>17 suspicious order report historically</p> <p>18 that have not been disclosed yet</p> <p>19 because of our tight schedules that</p> <p>20 I'll -- I will be going to ask --</p> <p>21 eventually to ask for some additional</p> <p>22 time from you to finish the stuff we</p> <p>23 didn't get to finish and to ask</p> <p>24 questions about documents that have</p> <p>25 not been disclosed yet.</p>	<p style="text-align: right;">Page 321</p> <p>1 opiates, the CDC says that you're 40 times</p> <p>2 more likely to initiate heroin use.</p> <p>3 Does McKesson acknowledge</p> <p>4 that -- that prescription opiate pill abuse</p> <p>5 is a driving factor in the heroin epidemic</p> <p>6 we're also experiencing?</p> <p>7 MS. HENN: Objection to form.</p> <p>8 Outside the scope.</p> <p>9 THE WITNESS: Yeah, it's a</p> <p>10 factor.</p> <p>11 QUESTIONS BY MR. FARRELL:</p> <p>12 Q. That was easy.</p> <p>13 A. Yeah.</p> <p>14 Q. All right. Back to this amicus</p> <p>15 business.</p> <p>16 (McKesson-Hartle Exhibit 38</p> <p>17 marked for identification.)</p> <p>18 QUESTIONS BY MR. FARRELL:</p> <p>19 Q. I'm going to mark as</p> <p>20 Exhibit 38, it's 2016_04_04. This is another</p> <p>21 amicus brief. This one is Masters</p> <p>22 Pharmaceutical.</p> <p>23 Does McKesson acknowledge that</p> <p>24 in 2016 when this amicus brief was submitted</p> <p>25 that it was still on the executive committee</p>

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1 Waterloo Road, Akron, number 2 pharmacy?
 2 Look at what the number 4 one
 3 is, just right down the street.
 4 So again, I think it's worth
 5 looking into, don't you think?
 6 A. I agree. I would love to have
 7 more context and get into the details.
 8 Q. Okay. This is going to draw an
 9 objection from your counsel. What would be a
 10 reason to set a threshold for 999,999?
 11 MS. HENN: Objection to form.
 12 THE WITNESS: There are -- in
 13 the system there are subsets to base
 14 codes, and so a -- for example, 91 --
 15 91 -- 9193, which is hydrocodone, may
 16 have some subsets for reporting
 17 purposes for us. There may be a
 18 subset, and there could be one or more
 19 of these. There could be a subset for
 20 10 milligram. There could be a subset
 21 for the single entity hydrocodone.
 22 And so we can carve those out
 23 from reporting purposes. That's --
 24 the 999,999 does not mean that they
 25 can get 999,000 pills. It means that

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1 that base code does not conflict with
 2 the main parent -- what I would call a
 3 parent base code.
 4 And so it's for reporting
 5 purpose only. It has nothing to do
 6 with allowing the amount of that total
 7 base code. The parent trumps that
 8 one. It's for reporting purposes
 9 only.
 10 QUESTIONS BY MR. FARRELL:
 11 Q. Do you know how many doses
 12 McKesson distributed of oxycodone nationwide
 13 from January 1, 2006 and December 31, 2014?
 14 This is from ARCOS.
 15 A. I don't have that number.
 16 MS. HENN: Objection to form.
 17 QUESTIONS BY MR. FARRELL:
 18 Q. 9,288,258,480 doses of
 19 oxycodone nationwide. That's more than
 20 there's people in our country.
 21 Distributed 423 million
 22 oxycodone doses in the state of Ohio. That's
 23 over 119 billion milligrams of oxycodone.
 24 Do you think that's too many?
 25 MS. HENN: Objection to form.

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1 THE WITNESS: You know, I
 2 can't -- I can't say on the data and
 3 the comparison compared to -- those
 4 are data points to look at. They're
 5 big numbers, no doubt.
 6 QUESTIONS BY MR. FARRELL:
 7 Q. Do you agree that one of the
 8 foreseeable harms of engaging in unlawful
 9 conduct in the distribution of prescription
 10 opioids is diversion?
 11 MS. HENN: Objection. Form.
 12 THE WITNESS: Could you ask
 13 that again?
 14 QUESTIONS BY MR. FARRELL:
 15 Q. One of the harms --
 16 A. You said foreseeable first, but
 17 harms --
 18 Q. I'll go back and do it.
 19 Do you agree that one of the
 20 foreseeable harms of engaging in unlawful
 21 conduct in the distribution of prescription
 22 opioids is diversion?
 23 MS. HENN: Objection to form.
 24 THE WITNESS: I think it can
 25 be.

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1 QUESTIONS BY MR. FARRELL:
 2 Q. Do you agree that filling
 3 suspicious orders is a direct and proximate
 4 cause of prescription opioid abuse,
 5 addiction, morbidity and mortality?
 6 MS. HENN: Objection to form.
 7 THE WITNESS: Filling specific
 8 orders?
 9 MS. HENN: Suspicious orders is
 10 the word he used.
 11 THE WITNESS: Suspicious
 12 orders.
 13 There's a lot of reasons for --
 14 that orders may get flagged as
 15 suspicious, so I think it depends.
 16 QUESTIONS BY MR. FARRELL:
 17 Q. That's fair.
 18 A. They'll get flagged as an order
 19 of unusual size, frequency or pattern and not
 20 mean that it's suspicious or
 21 diversion-related.
 22 Q. Do you believe the prescription
 23 opiate epidemic is an immediate hazard to
 24 public health and safety?
 25 MS. HENN: Objection to form.

<p style="text-align: right;">Page 366</p> <p>1 THE WITNESS: How do you -- how</p> <p>2 are you defining "immediate hazard"?</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4 Q. A hazard.</p> <p>5 A. A hazard?</p> <p>6 Sure.</p> <p>7 MR. FARRELL: Okay. We will</p> <p>8 adjourn with the reservation of rights</p> <p>9 for one day, continuing the subject</p> <p>10 matters that most interest the</p> <p>11 plaintiffs in the MDL in the 30(b)(6)</p> <p>12 notices.</p> <p>13 MS. HENN: And, I mean, we will</p> <p>14 object to continuing past the limit</p> <p>15 set by the Court. We feel that there</p> <p>16 was a lot of time today that was spent</p> <p>17 asking legal questions that could have</p> <p>18 been spent on topics.</p> <p>19 MR. FARRELL: There was also a</p> <p>20 lot of time spent reading documents</p> <p>21 that were listed in my 30(b)(6).</p> <p>22 MS. HENN: Documents that you</p> <p>23 put in front of the witness and wanted</p> <p>24 him to read.</p> <p>25 But more importantly, I wanted</p>	<p style="text-align: right;">Page 368</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, CARRIE A. CAMPBELL, Registered</p> <p>4 Diplomate Reporter, Certified Realtime</p> <p>5 Reporter and Certified Shorthand Reporter, do</p> <p>6 hereby certify that prior to the commencement</p> <p>7 of the examination, Nathan J. Hartle was duly</p> <p>8 sworn by me to testify to the truth, the</p> <p>9 whole truth and nothing but the truth.</p> <p>10 I DO FURTHER CERTIFY that the</p> <p>11 foregoing is a verbatim transcript of the</p> <p>12 testimony as taken stenographically by and</p> <p>13 before me at the time, place and on the date</p> <p>14 hereinbefore set forth, to the best of my</p> <p>15 ability.</p> <p>16</p> <p>17 I DO FURTHER CERTIFY that I am</p> <p>18 neither a relative nor employee nor attorney</p> <p>19 nor counsel of any of the parties to this</p> <p>20 action, and that I am neither a relative nor</p> <p>21 employee of such attorney or counsel, and</p> <p>22 that I am not financially interested in the</p> <p>23 action.</p> <p>24</p> <p>25</p> <p>17 <u>CARRIE A. CAMPBELL</u>,</p> <p>18 NCRA Registered Diplomate Reporter</p> <p>19 Certified Realtime Reporter</p> <p>20 California Certified Shorthand</p> <p>21 Reporter #13921</p> <p>22 Missouri Certified Court Reporter #859</p> <p>23 Illinois Certified Shorthand Reporter</p> <p>24 #084-004229</p> <p>25 Texas Certified Shorthand Reporter #9328</p> <p>Notary Public</p> <p>Dated: August 3, 2018</p>
<p style="text-align: right;">Page 367</p> <p>1 to ask the court reporter to please</p> <p>2 designate this transcript</p> <p>3 provisionally highly confidential,</p> <p>4 which is required under the deposition</p> <p>5 protocol, and I also wanted to reserve</p> <p>6 the right to read and sign.</p> <p>7 I have no questions, and so I</p> <p>8 think we are finished.</p> <p>9 VIDEOGRAPHER: Okay. The time</p> <p>10 is 5:47 p.m., July 31, 2018. Going</p> <p>11 off the record completing today's</p> <p>12 videotaped session.</p> <p>13 (McKesson-Hartle Exhibit 40</p> <p>14 marked for identification.)</p> <p>15 (Deposition concluded at 5:47 p.m.)</p> <p>16 -----</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 369</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over</p> <p>4 carefully and make any necessary corrections.</p> <p>5 You should state the reason in the</p> <p>6 appropriate space on the errata sheet for any</p> <p>7 corrections that are made.</p> <p>8 After doing so, please sign the</p> <p>9 errata sheet and date it. You are signing</p> <p>10 same subject to the changes you have noted on</p> <p>11 the errata sheet, which will be attached to</p> <p>12 your deposition.</p> <p>13 It is imperative that you return</p> <p>14 the original errata sheet to the deposing</p> <p>15 attorney within thirty (30) days of receipt</p> <p>16 of the deposition transcript by you. If you</p> <p>17 fail to do so, the deposition transcript may</p> <p>18 be deemed to be accurate and may be used in</p> <p>19 court.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>